



ATTACHMENT A

Remarks

By this Amendment independent claims 1, 17, 30 and 31 have been amended to more clearly define the invention and avoid the cited prior art. It is submitted that the present application is in condition for allowance for the following reasons.

In the outstanding final Office Action, the examiner rejects claims 1 to 5, 13 to 22, 29 to 38 and 41 to 43 as unpatentable over Colley or Borne et al. in view of Lobb et al., in further view of Luna. As noted in applicant's last response, Luna does disclose a system that allows players to play the holes of a golf course out of their traditional numerical sequence. However, applicant noted that this is not the equivalent of the present invention in which the participant/player can progress truly in any order, because the data input means have location data, so the participant/player need not—before (or during) playing—indicate an intended order of play.

In response to this argument, the examiner noted that while applicant's arguments were directed to "the player's direction selection of the order", the language of the claim "in any order" is broader and reads on Luna which allows play in any order so long as that order "is determined by the system of Luna". While it is true that the ability of a participant to "play or progress through said phases in any order" is broad and includes the ability of a participant to "progress through the phases in any order ... determined by Luna" – the latter being a subset of the former – the claim language "in any order" requires a broader ability lacking in Luna. However, in order to make clear the distinction between the present invention and the teaching of Luna, the independent

claims have all been changed to make clear that the limitation "in any order" is as "chosen by the participant" and thus is not the same as that chosen by the computer system of Luna.

It is submitted, therefore, that the present amendments to independent claims 1, 17, 30 and 31 now more clearly distinguished from the combination of prior art documents cited by the Examiner so that these claims are now all allowable. In addition, all of the remaining claims which depend from one of these claims are then likewise allowable for this same reason.

It will also be noted that the claims have been amended to eliminate the use of "means" clauses and instead to recite specific devices. This has been done to better adapt the claims for US practice.

It will further be noted that the claims have been amended to indicate that a "two way" communications system exists between the data input means and the data collection computing system; and consistent therewith that the data collection computing system is operable to calculate cumulative progress data from the inputted progress data, and to transit this cumulative progress data to one or more of the data input terminals so that a player can access to this cumulative progress data from the data input terminals. Such features are believed to better recite the invention of applicant.

In the IDS filed on April 8, 2005, Applicant cited FR 2673116. Since that citation, applicant has obtained an English language translation of FR 2673116. Therefore, enclosed herewith in Attachment C is a copy of that translation in case the examiner would like to review the disclosure of FR 2673116 in greater detail.

For all of the foregoing reasons, it is submitted that the present application is in immediate condition for allowance and such action is solicited.